

U.S. Department
of Transportation
United States
Coast Guard



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16722

17 January 1997

From: Commander, Eighth Coast Guard District
To: Distribution

Subj: MARITIME DRUG AND ALCOHOL TESTING PROGRAM CIVIL PENALTY

Ref: (a) CCGD8(mvs) ltr 16722 of 20 Nov 1995

1. Since publishing reference (a) over one year ago, the Coast Guard has been in the educational mode regarding enforcement of the drug and alcohol testing rules. Additionally, the CG Authorization Act of 1996 included civil penalty authority for violations of the drug and alcohol rules and regulations. Consequently, paragraph 4 of reference (a), which contained enforcement policy, is amended as follows:

2. The full range of enforcement tools available for other regulatory initiatives are also available for violations of the drug and alcohol testing regulations. These include civil penalties, documentation of deficiencies using CG-835s, removal of the Certificate of Inspection from noncompliant vessels, Captain of the Port Orders (uninspected vessels only), and administrative action against a mariner's license or document.

Within the Eighth District, the following enforcement policy shall be followed:

a. Inspected Vessels:

(1) Upon discovery of a noncompliant vessel, a civil penalty case shall be submitted and the Certificate of Inspection removed.

b. Uninspected Vessels:

(1) For each noncompliant vessel discovered, a civil penalty case shall be submitted.

3. The CG Authorization Act of 1996 provided guidance in our civil penalty authority for violations of the regulations requiring drug and alcohol testing of mariners. It amended Chapter 21 of Title 46, USC, by adding a new section, 2115, which reads as follows:

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"Any person who fails to implement or conduct, or who otherwise fails to comply with the requirements prescribed by the Secretary for chemical testing for dangerous drugs or for evidence of alcohol use, as prescribed under this subtitle or a regulation prescribed by the Secretary to carry out the provisions of this subtitle, is liable to the United States Government for a civil penalty of not more than \$1000 for each violation. Each day of a continuing violation shall constitute a separate violation."

4. For further information, contact ENS Allen, the D8 Drug and Alcohol Program Inspector at (504)589-4419.

Wayne S. Gussman (for)
J. W. CALHOUN
By direction

Dist: All Eighth District MSOs, MSU and MSDs

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